

1  
2  
3  
4

5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA

7  
8 SONY BMG MUSIC ENTERTAINMENT, *et* No. C-07-4097 EMC  
*al.*,

9 Plaintiffs,

10 v.

11 JOHN DOE,

12 Defendant.

---

13 /  
14  
15 **ORDER GRANTING PLAINTIFFS' *EX*  
*PARTE* APPLICATION FOR LEAVE TO  
16 TAKE IMMEDIATE DISCOVERY**

17 **(Docket No. 3)**

18 Upon Plaintiffs' *Ex Parte* Application for Leave to Take Immediate Discovery, the  
19 Declaration of Carlos Linares, and the accompanying Memorandum of Law, the Court hereby finds  
20 that Plaintiffs have demonstrated good cause for the expedited discovery sought herein. *See UMG*  
*Recordings, Inc. v. Does*, No. 06-0652 SBA (EMC), 2006 U.S. Dist. LEXIS 32821 (N.D. Cal. Mar.  
21 6, 2006). Accordingly, it is hereby:

22 ORDERED that Plaintiffs may serve immediate discovery on University of California, Santa  
23 Cruz to obtain the identity of Defendant John Doe by serving a Rule 45 subpoena that seeks  
24 information sufficient to identify Defendant John Doe, including the name, current (and permanent)  
25 address and telephone number, e-mail address, and Media Access Control address.

26 IT IS FURTHER ORDERED that any information disclosed to Plaintiffs in response to the  
27 Rule 45 subpoena may be used by Plaintiffs solely for the purpose of protecting Plaintiffs' rights  
28 under the Copyright Act.

29 IT IS FURTHER ORDERED that, if and when the University of California, Santa Cruz is  
30 served with the subpoena, within five (5) business days thereof it shall give written notice, which

1 can include use of e-mail, to the subscriber(s) whose identity is to be disclosed in response to the  
2 subpoena. If the University of California, Santa Cruz and/or Defendant wishes to move to quash the  
3 subpoena, they shall do so before the return date of the subpoena, which shall be thirty (30) business  
4 days from the date of service.

5 IT IS FURTHER ORDERED that, if and when the University of California, Santa Cruz is  
6 served with a subpoena, the University of California, Santa Cruz shall preserve the data and  
7 information sought in the subpoena pending resolution of any timely filed motion to quash.

8 IT IS FURTHER ORDERED that counsel for Plaintiffs shall provide a copy of this order to  
9 the University of California, Santa Cruz when the subpoena is served. The University of California,  
10 Santa Cruz should in turn provide a copy of this order to Defendant, again within five (5) business  
11 days of service of the subpoena on the University of California, Santa Cruz.

12 This order disposes of Docket No. 3.

13  
14 IT IS SO ORDERED.

15  
16 Dated: August 14, 2007

17  
18   
EDWARD M. CHEN  
United States Magistrate Judge

19  
20  
21  
22  
23  
24  
25  
26  
27  
28